

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

BAUSCH HEALTH IRELAND LIMITED  
and BAUSCH HEALTH AMERICAS INC.,

Plaintiffs,

v.

GLENMARK PHARMACEUTICALS  
LIMITED,

Defendant.

Civil Action No. 19-14502 (FLW) (TJB)

*Document Electronically Filed*

**STIPULATION AND ORDER**

Whereas Plaintiffs, Bausch Health Ireland Limited (“Bausch Ireland”) and Bausch Health Americas, Inc., and Defendant, Glenmark Pharmaceuticals, Inc. (“Glenmark”), have agreed to the terms and conditions representing a negotiated settlement of this action and have set forth those terms and conditions in a Confidential Settlement and License Agreement (the “Settlement Agreement”),

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiffs and Glenmark, through their undersigned counsel of record, that:

1. As used in this Stipulation and Order of Dismissal, the term “Glenmark Product” shall mean a drug product manufactured, imported, sold, offered for sale, marketed, or distributed pursuant to Abbreviated New Drug Application No. 213323.
2. As used in this Stipulation and Order of Dismissal, the term “Patents-in-Suit” shall mean U.S. Patent No. 8,809,307 (“the ’307 patent”).
3. As used in this Stipulation and Order of Dismissal, the term “Affiliate” shall mean any entity or person that, directly or indirectly through one or more

intermediaries, controls, is controlled by, or is under common control with Glenmark; for purposes of this definition, “control” (including the terms “controlled by” and “under common control with”) of a business entity means (a) the direct or indirect ownership of at least fifty percent (50%) of the voting stock or other voting interest in such entity; (b) the right to appoint at least fifty percent (50%) of the directors or management of such entity; or (c) the power to otherwise control or direct the decisions of the board of directors or similar body governing the affairs of such entity, provided that such other Person shall be deemed an Affiliate of such first Person only during the time that such control exists.

4. Glenmark stipulates that, until expiration of the Patents-in-Suit, Glenmark, including any of its Affiliates, successors, and assigns, is enjoined from infringing the Patents-in-Suit, on its own part or through any Affiliate or any third party on its behalf, by making, having made, using, selling, offering to sell, importing, or distributing the Glenmark Product and is further enjoined from assisting or cooperating with any third parties in connection with any infringement of the Patents-in-Suit by any such third parties, unless and to the extent otherwise specifically authorized by Plaintiffs in writing.
5. All claims and defenses of Plaintiffs in the Glenmark Action are dismissed with prejudice.
6. All counterclaims and defenses of Glenmark in the Glenmark Action are dismissed with prejudice.
7. The Plaintiffs and Glenmark have waived any right to appeal or otherwise move for relief from this Stipulation and Order of Dismissal.

8. This Court has jurisdiction over the Plaintiffs and Glenmark for the purposes of enforcing this Stipulation and Order of Dismissal and the terms of the Settlement Agreement.
9. Each party will bear its own attorneys' fees and costs.
10. The Clerk of Court is directed to enter this Stipulation and Order.

s/ William P. Deni, Jr.  
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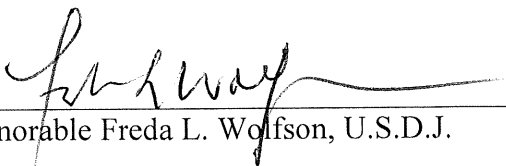
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*Attorneys for Defendant  
Glenmark Pharmaceuticals Ltd.*

SO ORDERED this 6<sup>th</sup> day of January 2020.

  
Honorable Freda L. Wolfson, U.S.D.J.